

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

August 6, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 6, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Deputy Director of Finance; and Mary F. Parker, City Clerk.

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in Closed Session to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Attorney to convene in Closed Session to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in Closed Session to discuss disposition of real property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Manager to convene in Closed Session to discuss disposition of real property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in Closed Session to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Attorney to convene in Closed Session to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in Closed Session to discuss acquisition of real property for public purpose where discussion in open meeting

would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Manager to convene in Closed Session to discuss acquisition of real property for public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the Mayor to convene in Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 12:20 p.m., the Mayor declared the meeting in recess to be reconvened at 12:25 p.m., in the Emergency Operations Center Conference Room, Room 159, for a briefing with regard to amending the City's Fee Compendium to provide for revised fees for use of City park facilities and services.

At 12:25 p.m., the Council reconvened in a work session in the Emergency Operations Center Conference Room at which time the City Manager introduced a briefing on revised fees for use of the City's park facilities; whereupon, Wanda Reed, Acting Director, Parks and Recreation, presented proposed changes relating to various services and facilities that the City makes available to its residents on a daily basis.

Ms. Reed advised that during the process of developing the Parks and Recreation Master Plan, the citizens committee recommended that the Parks Department develop a creative pricing strategy to provide flexibility to keep up with market rates and to enhance overall revenues; it had been hoped to bring a complete proposal to Council at the same time; however, Council's consideration is requested to increase fees for rentals when a user requests exclusive, or private, use of a facility; fees need to be adopted immediately; and in the fall, it is planned to ask Council to adopt a pricing strategy which will allow flexibility to set prices according to market condition.

She stated that staff met with representatives of the Roanoke Neighborhood Partnership Steering Committee to discuss recommended changes and to receive input, and it is important to note that Neighborhood Partnership organizations will not be charged to hold their regular monthly meetings in Parks and Recreation facilities.

She explained that the recommendation before Council at this time includes increasing rental fees for facilities and services already listed in the Fee Compendium; establishing formal rates for facilities not previously included in the Fee Compendium; establishing fees for two new facilities; Parks and Recreation provides an abundance of free programs and services to all residents, examples of which are the use of parks, playgrounds, shelters and athletic fields on a first come, first serve basis unless reserved; many free recreation programs to the public and other programs are offered at a nominal cost; in addition, a scholarship program is offered for families who cannot afford to pay for their children to attend special programs and the Parks Department supported 33 programs for children last year, working in conjunction with the Department of Social Services.

Ms. Reed advised that a rental fee is charged only when someone requests exclusive use of a facility, which fees are charged to offset the cost of providing extra services for rentals, examples of which are weddings and receptions held at

Mountain View, picnic shelter reservations and mobile stage rentals; in some instances, extra work is accomplished during normal work hours which takes away from other work, however, for most events, Parks and Recreation must pay overtime to employees. She advised that when a citizen pays a user fee for a facility, they expect and should receive a quality experience and current fees do not produce sufficient revenues to allow staff to appropriately maintain facilities in the manner that the facilities should be maintained.

She presented a list of existing facilities that will be affected by increased rental fees and noted that the fees are imposed only for exclusive use by reservation.

(See list of present and proposed fees on file in the City Clerk's Office.)

Ms. Reed stated that it is also requested that Council formally establish fees for use of the mobile stage, open space usage and for provision of trash receptacles. She explained that the previous City Manager authorized the Parks and Recreation Manager to handle these services administratively, however, today, it is requested to bring these items into compliance by having them formally included in the Fee Compendium. She stated that current practice has been to charge \$600.00 for the mobile stage, however, the recommendation before Council provides flexibility for charging depending on the type of event and whether the user profits from use of the mobile stage; for open space rentals, the current charge has been \$50.00 per day, but because these types of events remove a portion of the park for general public use, it is recommended that \$150.00 per day be charged, with a damage deposit of \$150.00, which will cover the cost of a special mowing and cleaning of the park and restrooms and also help the department to repair damage to the grass caused by the event. She stated that \$2.50 is currently charged for trash containers which is the City's cost to purchase the containers, but because the City does not wish to be in competition with the private sector, it is recommended that a charge of \$4.00 per container be charged.

She advised that the City has built two new facilities this year: The Discovery Center and the new picnic shelter on Mill Mountain and both of these facilities will be extremely popular for private use; it is recommended that \$175.00 be charged for The Discovery Center for the first two hours, plus \$50.00 for each additional hour, with a \$100.00 damage deposit, or \$200.00 damage deposit if alcohol is permitted; fees for other shelters throughout the City are already included in the Fee Compendium; current rental fee for shelters is \$25.00 for a half day and \$35.00 for a full day, therefore, only a \$5.00 increase is requested; and for the Mill Mountain Park picnic shelter, because of its premier location, it is requested that Council establish a fee of \$45.00 for a half day and \$60.00 for a full day.

She explained that the demand for programs and services continues to grow; it is believed that the General Fund should support services available to the entire community and should not be used to support private functions; in addition, the cost of business has increased, along with personal services, custodial contracts and utility costs; rental fees have not increased in the past ten years; the request before Council is not an attempt to recover this deficit all at once, but a small increase is proposed to help cover some of the department's operational costs because Roanoke's Parks and Recreation Department needs to keep up with the market and stay within the going rate of other jurisdictions with similar facilities and services.

It was noted that Parks and Recreation's annual budget is just under \$6 million which includes both recreation and parks maintenance; seven per cent of the total operating budget is generated through recovered costs; and in comparison to other localities, Roanoke's total recovered costs are low, because across the country, other localities are collecting between 10 and 60 per cent, depending on pricing policy and demographics.

Ms. Reed advised that currently, the City collected \$47,000.00 in rental fees; and by allowing the Parks and Recreation Department to increase these fees as recommended should increase rental revenues by 28 per cent, or \$18,000.00, thereby enhancing total rental fees to \$65,000.00.

Victor C. Garber, Recreation Superintendent, advised that the criteria used to review which facilities and services should be increased to establish the value of the private rental experience included:

Size, location and condition or appearance of the facility,

Demand for the service or facility: i.e.: tennis courts are rarely rented - no change,

The going rate or price of similar facilities/services in other jurisdictions such as Montgomery County, Blacksburg, Bedford City, and Roanoke County, longevity rate of equipment, and

Inflation and cost of providing the service.

He reviewed increases proposed for the following facilities:

Mountain View is the most heavily used rental facility, providing 88 rentals per year. A majority of the rentals are wedding receptions which demand considerable staff time to work out the arrangements with the

wedding party. It is also the most expensive facility to operate, with utility costs last year totaling \$23,400.00. A 30 per cent increase is proposed, or an increase from \$115.00 to \$150.00 for a two hour rental. The fee is requested due to the demand on this special historic home and the added maintenance cost. A refundable damage deposit, as well as a cancellation fee, will also be charged.

Rose Garden located just below Mountain View. There are occasional special requests to rent the Rose Garden during wedding receptions at Mountain View Center. It is proposed that a \$75.00 per day fee be imposed for City residents which will pay for special weeding, clippings of dead flowers and mowing. A \$100.00 refundable damage deposit will be charged along with a cancellation fee.

Athletic field dragging and marking - this fee was added to take care of special lining requests. Presently, no policy exists to line a football field, flag football, soccer field and complete lining for softball and baseball. The present \$25.00 fee does not pay for the labor and supply cost of marking these fields.

Mill Mountain Shelter - This fee will be somewhat higher than other facilities because of its premier location – \$45.00 for a half day and \$60.00 for a full day.

Elmwood Park Amphitheater - The specially designed canopy for the amphitheater cost approximately \$5,000.00. The canopy is presently stored, erected and taken down by a private company. The private company charges users to put up and take down the canopy; however, the problem has been that all renters request the canopy to remain up, therefore, the first renter pays the private company for set up and the remaining renters pay no additional costs.

The fee will cover the cost of wear and tear on the canopy and provide a fair price for all users.

Mobile Stage - the mobile stage was purchased in 1998 and cost the Parks and Recreation Department \$600.00 to deliver, set up, supervise, breakdown and return for an eight hour period. It is requested to add this rate to the Fee Compendium, along with an additional price for organizations that make a profit from using City facilities: non-profit organization (charging a fee) \$900.00 and private individual or corporate rental charging a fee - \$900.00 + 15 per cent gross collected.

A summary of questions and comments by Council Members is as follows:

There have been audit and accountability issues relative to some of the rental programs. What accounting controls will be used to ensure that all funds are reported.

There should be some flexibility in charging for commercial purposes, but the fee should not drop below the minimum.

Fees should not be compared to the Jefferson Center which is exorbitantly priced to the extent that some persons cannot afford to use the facility. Staff was requested to obtain information on rental charges at the Salem Civic Center and the Vinton War Memorial.

A City of Roanoke elementary school recently held an outing in Longwood Park in Salem as opposed to using a City park. Was this due to the City's fee structure?

There was discussion with regard to addressing City school activities in the Fee Compendium, i.e.: the school system should be encouraged to use City parks facilities for field trips and there should be special exceptions for City schools.

As related to the Discovery Center, the City should not compete with private business. There is a demand to have weddings and wedding receptions at the Discovery Center which takes X number of dollars per year away from the private sector. The City should be careful to ensure that pricing for the Discovery Center is competitive with the private sector.

Costs associated with maintaining the Rose Garden at Mountain View and whether the City should be in the wedding chapel business.

The question of whether there are local groups/learning institutions that could maintain horticultural areas.

The question of whether historic homes should be used for recreational purposes.

How does increasing the City's fee structure for recreational facilities

coordinate with the City's capital needs?

Parks were established for the use and enjoyment of all citizens and if fees are charged that are too costly, citizens will not use the City's facilities.

Non-City residents should be required to pay a fee.

As the fee structure is reviewed, there should be consideration toward keeping fees and costs for children at a bare minimum.

Charges for mobile stage rental for activities sponsored or co-sponsored by the City's Special Events Committee.

It was the consensus of Council that questions, comments or concerns by the Members of Council with regard to the proposed increases would be provided to the City Manager within seven days.

The City Manager pointed out that Council is scheduled to hold a joint meeting with the Roanoke City School Board on Monday, August 20, 2001, at 5:00 p.m., and a topic for discussion could be the fee schedule for City schools using Parks and Recreation facilities, as well as City activities conducted on School properties.

There being no further discussion, and without objection by Council, the Mayor advised that the briefing would be received and filed.

At 2:00 p.m., on Monday, August 6, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Deputy Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend William

Joseph Greene, Pastor, Preston Oaks Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS:

ACTS OF ACKNOWLEDGEMENT: Mr. White offered the following resolution paying tribute to the National D-Day Memorial Foundation:

(#35483-080601) A RESOLUTION paying tribute to the National D-Day Memorial Foundation, and expressing to it the appreciation of this City and its people for its outstanding endeavor to commemorate the importance and significance of June 6, 1944, and to honor those who fought for our country on the beaches of Normandy on that historic day.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35483-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the resolution to John R. (Bob) Slaughter, Chair, National D-Day Foundation.

SCHOOLS: The Mayor introduced Dr. Robert Sandel, President, Virginia Western Community College.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 6, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, on the request of Southside Development Company that a parcel of land containing 4.05 acres, more or less, situate at the southeast terminus of Bean Street, N. W., identified as Official Tax No. 2280601, be rezoned from C-1, Office District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner, the

matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times once on Friday, July 20, 2001, and once on Friday, July 27, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the purpose of the request for rezoning is to allow the construction of mini-warehouses on the vacant property, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35484-080601) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 714, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35484-080601. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter.

Fredrick Williams, President, Williamson Road Action Forum, 3725 Sunrise Avenue, N. W., advised of concerns regarding the proposed rezoning, which is poor land use because a mini warehouse does not provide the best use of the property. He stated that the City has assumed the cost of supplying the site with water and sewer service and it would be preferable to establish a development on the site that will purchase these facilities from the City. He further stated that the proposed use will create few jobs in the City, and if the warehouse has as many as four employees, that would equal one job per acre which would make the warehouse ineligible in a site such as the Roanoke Centre for Industry and Technology. He added that the report of the City Planning Commission lists three recommendations from the Comprehensive Plan, however, public discussion of the proposed development did

not focus on conserving and enhancing neighborhood quality or promoting quality development for good land use. Instead, he stated that the focus was on the fact that Hershberger Road has chaotic traffic patterns, with conflicts between commercial, retail and residential land uses, ad hoc rezonings have not been good for the City of Roanoke and Roanoke would be better off planning appropriate land uses; ad hoc rezonings deprive neighborhoods of the predictability that is necessary to encourage investment. He advised that if Roanoke wants to provide high quality development in its neighborhoods, it should provide security for property value through careful land use planning and design control. He explained that the Edinburgh Drive elevation of the warehouse, with its metal fence which is at least 14 feet above street level and has four gazebos, resembles a minimum security prison. He stated that prior to the City Planning Commission's public hearing, the petitioner offered to improve the exterior of the facility to allay neighborhood concerns regarding building appearance, therefore, on the side of the building fronting on Edinburgh Drive, if the rezoning is approved, the petitioner should be held accountable to his proffer. He advised that a specific landscape plan should be proffered as a part of the rezoning, otherwise, there will be dead landscaping material and many disillusioned citizens. He stated that most residents of the area reluctantly accepted the development; however, it is unfortunate that citizens of the City of Roanoke resign themselves to something bad because they are fearful that they could get something worse, and that attitude should occasion serious soul searching by the City.

Mr. Natt advised that the matter has gone through an extensive series of neighborhood meetings; his client met on a number of occasions with the Executive Committee of the Williamson Road Action Forum and with residents in the immediate area; the Executive Committee of the Williamson Road Action Forum took no position and after meeting with approximately 20 persons from the neighborhood, the majority of residents did not oppose the project. He stated that residents of the area have good reasons to accept the proposal, one of which deals with the issue of accessibility, because the neighborhood was desirous of ensuring that there would be no other access to the property other than by way of Williamson Road; therefore, his client is willing to honor the request. He added that residents were concerned about traffic, noise, and lights and explained that the proposed use is a small traffic generator, lighting is reserved for the interior of the building, and there is no metal fence around the outside of the structure. He stated that the City Planning Commission recommended unanimously in favor of the proposal and asked that Council lend its support to the request.

Upon question by a Member of Council, Mr. Natt advised that his client is willing to proffer a landscaping plan.

Mr. Bestpitch inquired as to the total number of parcels of land in the City of Roanoke of approximately four acres that are currently zoned Light Manufacturing

District that might be available for this type of development; whereupon, the City Manager advised that she could not provide an accurate number at this time. Mr. Bestpitch advised that there are properties currently zoned for this type of development throughout the City, therefore, there is no information before Council to suggest the need to rezone the property in question; or any other property in the City, in order to make four acres of light manufacturing land available for this type of development. He stated that he will continue to express his concern regarding these types of issues because there are properties that need to be developed in the City, yet, rather than encourage the properties to be developed, the City, in essence, is denying these property owners the opportunity to have their property developed because a petitioner can request that a different piece of property be rezoned for their intended purpose. In summary, he advised that there is no need for the City of Roanoke to rezone additional property to Light Manufacturing inasmuch as property that is already zoned LM currently exists in the City of Roanoke.

Ordinance No. 35484-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Carder, Harris, Hudson
and Mayor Smith-----6.

NAYS: Council Member Bestpitch-----1.

The Mayor declared the public hearing closed.

CITY PROPERTY-LEASES-SCHOOLS: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, August 6, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to lease City-owned property consisting of a 7.2-acre portion of Official Tax No. 1570101, located at 3379 Colonial Avenue, S. W., to the New Vista Montessori School for an initial term of one year, with an option to extend the lease for up to four additional one-year terms, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, July 29, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A communication from the City Manager advising that the New Vista Montessori School, a private not for profit 501 C(3) agency, has been established in Roanoke to provide quality education to pre-school and kindergarten age children using the Montessori philosophy; the previous Montessori School, the Specific Reading and Learning Difficulties Association, recently canceled its lease effective September 1, 2001, and the New Vista Montessori School has approached the City

about leasing the property located at 3379 Colonial Avenue; the current assessed value of the property (7.2 acres, 8,000 sq. ft. building) is approximately \$860,000.00; and a 2001 Roanoke Office Market Report indicates the lease rates for office buildings in the Colonial Avenue area currently range from \$7.00 to \$17.00 per square foot.

The City Manager recommended that she be authorized to execute a lease between the City of Roanoke and the New Vista Montessori School for a one year term, in the amount of \$6,000.00, with the right of the New Vista Montessori School to renew, with concurrence of the City, for up to four additional one-year terms at an annual rental rate to be agreed upon at the time of renewal.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35485-080601) AN ORDINANCE authorizing the proper City officials to enter into an Agreement of Lease between the City and New Vista Montessori School, for use of a 7.2 acre portion of Official Tax No. 1570101, at 3379 Colonial Avenue, S. W., in the City, for operation of an educational facility for children, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35485-080601. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter.

Elizabeth Cranwell, 1911 Mountain View Road, Vinton, Virginia, representing the Parents Association of the New Vista Montessori School, advised that her child was a student at the former Montessori School on Colonial Avenue, and since its abrupt closing, a group of parents and faculty formed a new Montessori School which is proposed to open this fall. She requested that Council authorize a lease agreement with the New Vista Montessori School for the Colonial Avenue property that housed the former Montessori School. She stated that Council has shown its commitment to providing early childhood educational options for children at all development levels, and the New Vista Montessori School will help to fulfill a portion of that commitment.

Jeffrey Krantz, Director, the New Vista Montessori School, advised that the school will serve as a private, not for profit 501(C)(3) school to serve educational needs of children in the greater Roanoke area. He stated that using the proven success of Dr. Marie Montessori's methods that allows the child to progress at his or her own pace or functioning level, with a hands on approach, allows a child to develop a solid and positive first school experience. He advised that the Roanoke Valley currently has three Montessori schools in operation and according to regional statistics, the Roanoke area has recently experienced tremendous growth in population, which is expected to continue and in order to meet the diverse educational needs of newcomers and native Roanokers, educational programs must be in place such as that which is offered by the New Vista Montessori School. He stated that the long term advantages of the program allows the child to have a solid, positive, first school experience with a strong foundation in academic skills as an added benefit. He explained that the New Vista Montessori School will initially serve ages three through six and plans are underway to add an elementary program over the course of two years.

Mr. James Garris, 3108D Honeywood Lane, advised that he lives in close proximity to the New Vista Montessori School, and spoke in support of the education that children receive through solid educational teaching methods by teachers who are dedicated to their profession and parents who are involved in the education of their child. He stated that over the long term, the City is looking to commercial uses and the smooth transition of apartments, the New Vista Montessori School and property in the vicinity of Roanoke County. He requested that Council consider the needs of Roanoke County residents along Colonial Avenue in conjunction with the needs of City residents just behind this particular area.

Ordinance No. 35485-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, July 2, 2001, and the Third Leadership Summit held on Thursday, July 12, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

CITY PROPERTY-LEASES-HOSPITALS: The City Manager submitted a communication advising that on June 18, 2001, the City of Roanoke received an offer from Carilion Health Systems, Inc., to purchase 2.8 acres of City property located on Colonial Avenue, which is part of an unsubdivided parcel on Official Tax No.1570101; current appraised value of the 2.8 acre property is \$365,000.00; and in order to consider the sale of such property, Council must hold a public hearing.

The City Manager recommended that Council authorize the City Clerk to advertise a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider entering into a sale agreement for real estate in the amount of \$375,000.00.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

ANIMALS/INSECTS-CITY CODE-COMPLAINTS: The City Manager submitted a communication advising that Section 6-7 of the City Code permits the keeping of cattle, sheep, goats, or swine in areas zoned for agricultural use when pens are at least 300 feet from residential property lines or on farms that are a minimum of five acres in size; in addition, the City Code allows a person to keep one sheep or goat

as a household pet in residential areas; recently, residents of Old Southwest reported problems with a goat and complained that conditions were poor and the smell was a nuisance; a petition was submitted to the City Manager on July 9, 2001, complaining about the noise, smell, and flies in the neighborhood, and requested that the outdated ordinance be revised; and in the interim, the property owner has been cited by Animal Control and was convicted in court of a public nuisance and fined.

The City Manager recommended that Council authorize a public hearing to amend the City Code to prohibit goats and sheep as household pets in residential areas.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

HOUSING/AUTHORITY: A communication from Bruce L. Robinson tendering his resignation as a member of the Fair Housing Board, was before Council.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

ROANOKE ARTS COMMISSION-OATHS OF OFFICE-COMMITTEES: A report of qualification of Will Trinkle as a member of the Roanoke Arts Commission for a term ending June 30, 2004, was before Council.

(See Oath or Affirmation of Office on file in the City Clerk's Office.)

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS:

COMPLAINTS-WATER RESOURCES-EMERGENCY MEDICAL SERVICES: Mr. Herbert Consider, 4334 Camille Avenue, N. W., appeared before Council and complained about a late charge that was imposed by the City on his water bill, in addition to a disconnect fee.

He advised that his wife was ill and they frequently had to call 9-1-1 for ambulance service. In addition, he stated that water service should be provided free of charge due to the taxes he pays to the City of Roanoke.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS-VICTIM/WITNESS/JUROR PROGRAM: A communication from the Honorable Donald S. Caldwell, Commonwealth's Attorney, advising that the Victim/Witness Assistance Program has been awarded a 12 month \$100,679.00 grant (#02-H8554VW01) for the period July 2001 through June 2002; the grant from the Department of Criminal Justice Services (DCJS) will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses in accordance with the Virginia Crime Victim and Witness Rights Act; the Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full-time assistant for the Juvenile and Domestic Relations District Court and one full-time assistant for the General District Court; the Program is coordinated by the Office of the Commonwealth's Attorney; and the cost to the City would be \$25,671.00 as a local cash match, for a total grant budget of \$126,350.00.

The Commonwealth's Attorney recommended that Council accept Victim/Witness Grant No. 02-H8554VW01 for \$100,679.00, with the City to provide \$25,671.00 as a local cash match from funds provided in the Transfer to Grant Fund Account in the fiscal year 2001-02 budget, for a total grant of \$126,350.00; and authorize the City Manager to execute all appropriate documents to obtain Grant No.

02-H8554VW01, appropriate \$126,350.00 in revenue accounts to be established in the Grant Fund by the Director of Finance, and appropriate \$126,350.00 to certain expenditure accounts.

(For full text, see communication on file in the City Clerk's Office.)

The City Manager submitted a communication concurring in the recommendation of the Commonwealth's Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following emergency budget ordinance:

(#35486-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35486-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. White offered the following resolution:

(#35487-080601) A RESOLUTION authorizing the acceptance of Grant No. 02-H8554VW01 made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35487-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate the following funds, was before the body:

\$245,000.00 for the Reading Excellence Act grant for Hurt Park Elementary School to provide children with the readiness skills they need to learn to read during the early childhood years. This new program has been funded by Federal funds in the amount of \$245,000.00.

\$200,000.00 for the Reading Excellence Act grant for Fallon Park Elementary School to provide children with the readiness skills they need to learn to read during the early childhood years. This new program has been funded by Federal funds in the amount of \$200,000.00.

(For full text, see communication on file in the City Clerk's Office.)

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35488-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35488-080601. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BONDS/BOND ISSUES: A resolution authorizing the issuance of \$31,245,000.00 of general obligation bonds, having previously been before the Council on Monday, July 16, 2001, and defeated by a 3- 3-1 vote of the Council (two Council Members were absent), Ms. Wyatt moved for a reconsideration of the resolution. The motion was seconded by Mr. Bestpitch and adopted, Mr. Hudson voted no.

The City Manager and the Director of Finance submitted a joint communication advising that on June 18, 2001, Council endorsed and concurred in the recommendations contained in an update to the Capital Improvement Program (CIP) for Fiscal Years 2002-2006, which included a list of new capital improvement projects and funding scenarios; and consistent with recommendations in the CIP update, the following capital projects contained in the updated plan need to be funded by the next issuance of bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia):

Crystal Spring Water Filtration Plant	\$ 5,445,000.00
Curb, Gutter and Sidewalk Program	5,000,000.00
Schools	4,600,000.00
Stadium/Amphitheater	<u>16,200,000.00</u>
Total	<u>\$ 31,245,000.00</u>

The City Manager and the Director of Finance recommended that Council adopt a resolution authorizing issuance of \$31,245,000.00 general obligation bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia).

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following resolution:

(#35489-080601) A RESOLUTION authorizing the issuance of thirty-one million two hundred forty-five thousand dollars (\$31,245,000) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for such City; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement;

authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Bestpitch moved the adoption of Resolution No. 35489-080601. The motion was seconded by Ms. Wyatt.

Mr. Hudson advised that the question is not whether he is for or against those items included in the \$31 million bond issue, but the fact that the citizens of Roanoke are not being offered an opportunity to vote on the question through a bond referendum. He stated that Council previously voted for \$25 million worth of bonds that have not been issued, and another \$31 million in bonds are now proposed, which means that this fall, the City will go to the bond market with over \$56 million in outstanding bonds which will not be presented to the voters in the form of a bond referendum. He called attention to approximately \$250 million worth of City projects that are unfunded which need to be addressed between the years 2002 and 2006 according to information provided by the City Manager.

Mr. Carder advised that from 1992 to 1999, there have been times when the City did not go to bond referendum and in those instances when a bond referendum was held, it was associated with a tax increase. He called attention to a policy established by Council which provides that debt limit cannot exceed ten per cent of the assessed value of real estate in the City of Roanoke and inquired as to the City's current debt limit; whereupon, the Deputy Director of Finance advised that the debt policy that was adopted by Council provides that the general obligation bonded debt will be a percentage of the value of real estate, and, if one makes the assumption that the City will issue \$56 million of bonds, the City's debt would be a little over four per cent.

Vice-Mayor Carder advised that net debt per capita is currently set at \$2000.00 and with the proposed \$31 million bond issue, the City's debt per capita would be approximately \$1885.00.

In an effort to clarify questions, Mr. White suggested that the City Manager provide information to the public by highlighting portions of a communication from the Director of Finance dated July 30, 2001, regarding the City's debt service and its history on bond referenda versus no bond referenda.

Mr. Bestpitch advised that the projects contained in the proposed \$31 million bond issue are important if the City is to maintain a growing economy, and progress

is needed that provides additional jobs, opportunity and prosperity for all citizens. He stated that to suggest that Council has too many big spenders who agree with every request for funding demeans the hard work of the Council in several work sessions and planning meetings. He added that the City's "wish list" is much longer than this bond issue can support, and Council worked as a group to narrow the list to those projects that it considered to be the most important at this time.

The Mayor raised questions in regard to when the debt limit was set at \$2,000.00 per capita, compared with previous years, and advised that the City's debt is growing at a much faster rate than inflation. He stated that the City of Roanoke does not have to be in debt in order to be a functional government. He added that his concern did not center around any specific item in the proposed \$31 million bond issue, but its cumulative effect on the City of Roanoke. He inquired as to annual debt service on the \$31 million bond issue, to which the Deputy Director of Finance responded that it would be in the range of approximately \$3 million; whereupon, the Mayor stated that Council has the option of either raising taxes to generate \$3 million in debt service or take \$3 million out of an item that is currently funded by the City. He advised that he would vote in favor of the \$31 million bond issue to go along with what appears to be the majority wishes of Council.

The City Manager advised that there is no intent to raise taxes as a result of the \$31 million general obligation bond issue. She stated that approximately one year ago, Council reviewed a five year expenditure that included the first of the two high school replacements/renovations at which time City staff was instructed to begin to build debt service so that the City could fund the additional debt, along with other debt that was being issued, and staff was also instructed to recommend a budget to Council for fiscal year 2001-02 that funded additional debt service, a compensation package for City employees and certain new initiatives for the general operation of the City, all without a tax increase. She explained that the proposed \$31 million bond issue does not require the raising of taxes, nor is it intended that staff look at raising taxes as a way to fund capital improvements. She stated that the City organization is committed to "tightening our belts" as an organization, and reducing expenditures in order to make funds available for the additional debt that Council identifies as needed.

Mr. Harris advised that his support is based on three tests that this or any other bond issue must pass in order to receive his vote, i.e.: (1) are the projects worthwhile, in the best interest of the community, progressive, fiscally responsible, and are they items worthy of doing sometimes ahead of other worthwhile projects; (2) have the items been thoroughly reviewed within the concept of the Capital Improvement Program by Council and the City administration; and (3) does the additional debt fall within the parameters of the City's fiscal policy as established by the Council in 1999

regarding the issuance of bonds and the retirement of debt. He stated that the \$31 million in general obligation bonds pass the abovedescribed criteria, therefore, he will vote in favor of adoption of the resolution.

Mr. Bob Zimmerman, 1501 Langhorne Avenue, S. E., advised that he could remember a time when the Commonwealth of Virginia was a pay as you go state, the state did not have a debt and he spoke in support of going back to those days. He suggested that the \$31 million general obligation bond issue be postponed for a period of time until the City's debt is to the point where it will not incur millions of dollars a year in interest. He expressed concern with regard to the declining population of the City of Roanoke.

Ms. Wyatt advised that projects listed in the \$31 million bond issue pertain to the City's infrastructure needs and economic development efforts, school improvements and other positive actions all depend on infrastructure improvements/maintenance that provide the skeleton for the City's future. Therefore, she stated that the overriding issue is to provide the type of infrastructure that the City of Roanoke needs to promote quality of life for its citizens.

Resolution No. 35489-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----6.

NAYS: Council Member Hudson-----1.

HUMAN DEVELOPMENT-LEASES: The City Manager submitted a communication advising that the City's Long-Range Facilities Master Plan, completed in February 1997, recommended that additional space be secured for Health and Human Services activities which include Social Services, Juvenile Justice Administration, Office on Youth, Homeless Program, and the Health Department; a lease is recommended rather than purchase because the State reimbursement for Health and Social Services Departments will provide partial funding for lease payments, but will not provide funding for purchase; consolidation of services in one location would allow a more efficient delivery of services to customers; the project was reviewed in detail with Council during the March Financial Planning Session; three proposals were received in response to the City's request for proposals in October 2000, which included the Sears Building, the Heironimus Building, and the Cotton Mill Building on Sixth Street; a team composed of representatives of the affected departments and other City staff reviewed the proposals; and the team agreed that the proposal for the Sears Building best met the requirements; and negotiations with Sawyer Properties, Inc., agent for the owner, Blue Eagle Partnership, have been completed.

It was further advised that the proposed lease is for a 20 year term ending June 30, 2022, for approximately 83,236 square feet, with an annual lease payment of \$1,104,541.00, which includes janitorial service and routine maintenance; the lease also provides that each party will indemnify and hold harmless the other from and against any and all suits, actions, loss, damage, liability, and expense occasioned by or resulting from any default hereunder or any negligent act on its part, its agents, employees or invitees; the State Departments of Health and Social Services will participate in the lease payment by contributing 59.4% and 80%, respectively, of their prorated lease expense, based on the percentage of space utilized, including common areas; the City's share will be funded in the annual operating budget beginning with the 2002-03 fiscal year; the State Department of Health and Social Services will fund approximately \$802,000.00; and both annual lease payments are subject to annual appropriations.

The City Manager recommended that she be authorized to execute a lease agreement with Blue Eagle Partnership, in a form to be approved by the City Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance:

(#35490-080601) AN ORDINANCE authorizing the City Manager to enter into an agreement with Blue Eagle Partnership for the lease of office space at the Civic Mall, located at 1502 Williamson Road, for use by the Roanoke City Department of Social Services, upon certain terms and conditions, and dispensing with the second reading of the title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35490-080601. The motion was seconded by Mr. Carder.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested clarification as to whether the Human Service Department will occupy space in the Roanoke Neighborhood Development Corporation's Crewe Suites building; whereupon, the City Manager responded that the City's commitment to lease approximately 15,000 square feet in the Crewe Suites building to be developed by RNDC remains unaffected by this action.

Ms. Bethel inquired as to when RNDC will hold a community-wide meeting to inform citizens as to the status of its activities and objectives; whereupon, Ms. Wyatt, Council's liaison to the Roanoke Neighborhood Development Corporation, advised that RNDC holds an annual meeting to which the public is invited and, in addition, monthly meetings are held at the Southwest Virginia Community Development Center

on the third Thursday of each month at 6:00 p.m. As Council's liaison to RNDC, Ms. Wyatt advised that she would be pleased to present questions and/or concerns to the Board of Directors.

Ordinance No. 35490-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson abstained from voting.)

NEIGHBORHOOD ORGANIZATIONS-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that historically the Northwest Neighborhood Environmental Organization (NNEO) has received Community Development Block Grant (CDBG) funds from the City to conduct housing and other community development projects in the Gilmer neighborhood; the original agreement for the NNEO "McCray Court Senior Living" project was executed on September 26, 2000, and provided \$300,000.00 in CDBG funds; on May 7, 2001, Council authorized funding for continued architectural, engineering and construction costs associated with the "McCray Court Senior Living" project, pursuant to Resolution No. 35319-050701, which approved the submission of the City's Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD); an amendment to the Agreement with NNEO is necessary in order to provide additional funding for NNEO to continue to develop the McCray Court Senior Living project; and funding is available in Account No. 035-G02-0237-5297, in the amount of \$277,750.00.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the "McCray Court Senior Living" Subgrant Agreement with the Northwest Neighborhood Environmental Organization.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35491-080601) A RESOLUTION authorizing the execution of Amendment No. 1 to a Subgrant Agreement between the City and Northwest Neighborhood Environmental Organization, dated September 26, 2000, for funding to develop the McCray Court Senior Living Project.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35491-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

PUBLIC WORKS-SNOW REMOVAL: The City Manager submitted a communication advising that highway deicing salt is used for snow and ice removal on City streets; and the Streets and Traffic Division, through its Snow and Ice Removal account, will purchase the necessary deicing salt to have on hand and available for use as needed to address inclement weather problems.

The City Manager recommended that Council authorize issuance of a purchase order for 2,700 tons of highway deicing salt from Cargill, Inc., Salt Division, at a cost of \$37.75 per ton, or total cost of \$101,925.00.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

(#35492-080601) A RESOLUTION accepting the bid of Cargill, Inc., Salt Division, for deicing salt, upon certain terms and conditions, and awarding a contract therefore; authorizing the proper City officials to issue the requisite purchase order; and rejecting all other bids made to the City for the work.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35492-080601. The motion was seconded by Mr. Bestpitch.

Ms. Wyatt advised that because weather conditions were mild last winter, the City did not exhaust its supply of deicing salt, and inquired as to the amount of funds the City will spend on deicing salt for the year 2001, compared with 2000; whereupon, the Assistant City Manager for Operations advised that last year, approximately 1600 tons of deicing salt were used, the supply is currently at approximately 3000 tons, therefore, there will be less expense incurred this year, and he would provide Council with the dollar amount following the Council meeting.

Resolution No. 35492-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

CITY MARKET-DOWNTOWN ROANOKE, INCORPORATED: The City Manager submitted a communication advising that the City Market continues to be an asset to the City of Roanoke; for several years the City of Roanoke has contracted with Downtown Roanoke, Inc., (DRI) to manage curbage spaces, in the City Market; a new Agreement has been drafted to allow DRI to continue to manage those spaces, but allows DRI to retain the monies collected from vendors as compensation for DRI's services, and to provide for marketing, advertising and coordination with the market association; Council will continue to approve any license fee modifications established in the Fee Compendium; and fees are under review and may need to be modified in the future to address increased expenditures in operation of the spaces.

The City Manager recommended that she be authorized to execute an Agreement for the above services between the City of Roanoke and Downtown Roanoke, Inc., for a period of one year, from September 1, 2001, through August 31, 2002, with up to four one year extensions, upon mutual agreement of the parties, such Agreement to be approved as to form by the City Attorney; to confirm current rates for use of such spaces; to amend the Fee Compendium; to periodically designate a portion of the curbage fees to be used for promotion of the City Market and to take such further action as is necessary to implement the Agreement; and that Council adopt a budget ordinance to eliminate the City Market Cost Center, reduce the revenue estimate related to market rents; and transfer remaining utility expenses to other operating budgets.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35493-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35493-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35494-080601) A RESOLUTION authorizing the execution of a Management Agreement between the City of Roanoke, Virginia, and Downtown Roanoke, Inc., (DRI) that will authorize DRI to act as the City=s agent to manage and license curbage spaces in the Roanoke City Market; confirming the current rates for the use of such curbage spaces; directing an amendment of the Fee Compendium; and authorizing the City Manager to designate a portion of the curbage fees to be used for promotion of the City Market and to take such further action as is necessary to implement and administer the terms of such Agreement.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35494-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-EMERGENCY SERVICES: The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management (VDEM) to respond to Level III hazardous materials incidents in a regional concept involving firefighters/emts from the Cities of Roanoke and Salem; on July 19, 2000, Council authorized the City Manager to renew the agreement to participate in a Level III Regional Response Team; and the agreement is renegotiated bi-annually in order to keep funding and reimbursement needs current.

It was further advised that the present VDEM hazardous materials team contract expires on June 30, 2002; VDEM agreed to furnish \$15,000.00 per year in “pass-through” funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates; and pass through funding totaling \$15,000.00 has been received from VDEM and deposited in Revenue Account No. 035-520-3224-3224.

The City Manager recommended that Council accept “pass-through” funding which honors renewal of the two-year Virginia Department of Emergency Management hazardous materials team contract for the period July 1, 2000 until June 30, 2002; and appropriate \$15,000.00 as follows: \$11,300.00 to *Employee Physicals*

and \$3,700.00 to *Training and Development* under the Hazardous Materials Response Team Grant (Account Nos. 035-520-3224-2110 and 035-520-3224-2044) and establish a revenue estimate of \$15,000.00.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35495-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35495-080601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. White offered the following resolution:

(#35496-080601) A RESOLUTION authorizing the City Manager to accept, on behalf of the City of Roanoke, "pass-through" funding from a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, with appropriations, to participate in a Regional Hazardous Materials Response Team.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35496-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority (RRHA) has administered numerous CDBG-funded activities for the City, including housing rehabilitation and economic development activities; on May 7, 2001, Council authorized the Housing Authority's 2001-02 CDBG activities

and funding pursuant to Resolution No. 35319-050701, which approved submission of the City's Consolidated Plan to the U. S. Department of Housing and Urban Development; Council accepted 2000-01 CDBG funds on June 18, 2001, pursuant to Resolution No. 35407-061801 and Budget Ordinance No. 35406-070201, pending receipt of an approval letter from the U. S. Department of Housing and Urban Development which is completing the routine Congressional release process; and in order for the Housing Authority to provide eligible City homeowners and buyers with housing activities approved in the Consolidated Plan, Council's authorization to execute an agreement with the Housing Authority is necessary.

The City Manager recommended that she be authorized to execute a CDBG Agreement with the Roanoke Redevelopment and Housing Authority to be approved as to form by the City Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35497-080601) A RESOLUTION authorizing the appropriate City officials to enter into the 2001-2002 Community Development Block Grant (CDBG) Funding Administration Agreement with the Roanoke Redevelopment and Housing Authority, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35497-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-GRANTS-FLOOD REDUCTION/CONTROL:
The City Manager submitted a communication advising that in 1998, the City of Roanoke was awarded a grant from the Federal Emergency Management Agency (FEMA) through its Hazard Mitigation Grant Program which allowed the City to acquire and demolish 34 homes located in the floodplain; the program is voluntary and some homeowners in the Garden City area, whose homes are located in the floodplain, have chosen not to participate in the project; funds remaining in the account (\$140,440.00 in Account No. 008-052-9696) are available to acquire another home which is located in the floodplain of Mud Lick Creek located at 2565 Beverly Boulevard, S. W., owned by Mr. and Mrs. Mark Reynolds, who have appeared at City Council meetings on numerous occasions in the past few years to discuss the flooding of their home; the Reynolds are willing to sell their home to the City for its

removal from the floodplain, said property having been appraised twice at \$113,000.00 and \$105,000.00; and Mr. and Mrs. Reynolds have signed a purchase agreement for \$109,000.00 which is the average of the appraisals.

The City Manager recommended that she be authorized to execute the necessary documents, in a form to be approved by the City Attorney, to purchase real property owned by Mr. and Mrs. Mark Reynolds located at 2565 Beverly Boulevard, S. W., Official Tax No. 1630614; and that Council authorize demolition of the structure and close the Garden City Hazard Mitigation Grant Program grant, in accordance with requirements of the Federal Emergency Management Agency.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following ordinance:

(#35498-080601) AN ORDINANCE authorizing the acquisition and demolition of certain property located in the floodplain of Mud Lick Creek under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program, upon certain terms and conditions; authorizing the closing of the Garden City Hazard Mitigation Grant Program grant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35498-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-WATER RESOURCES: The City Manager submitted a communication advising that a study of the Forest Park watershed completed by Anderson & Associates identified over \$11 million in drainage problems in the area; the first project selected to correct problems for construction is located on Barnhart Street; homeowners at 1320 Aspen Street, and 2830 and 2836 Barnhart Street have had their basements flooded due to drainage problems; construction of the Barnhart Street Drainage Improvement Project will address drainage problems; authorization is needed to move forward with procurement of title work, appraisals, and document preparation related to acquisition of the necessary property rights-of-way; and estimated expenses related to acquisition of

the property should not exceed \$2,000.00, which is available in Capital Project Account No. 008-052-9688-9050, Miscellaneous Storm Drains.

The City Manager recommended that she be authorized to acquire all necessary property rights, noting that said property rights may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain, and include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following ordinance:

(#35499-080601) AN ORDINANCE providing for the acquisition of certain property rights needed by the City for the Barnhart Street Drainage Improvement Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title. (For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35499-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-GRANTS-JUVENILE CORRECTIONAL FACILITIES: The City Manager submitted a communication advising that the Aggression Replacement Training and Education Program (ARTEP) is an anger control program for assaultive youth operated by Sanctuary Crisis Intervention staff; the program is designed to increase public safety and encourage participating youth to take responsibility for their behaviors, which is accomplished through court-ordered participation in a ten-week program that includes bi-weekly group sessions and periodic contacts at home and school; ARTEP provides Juvenile Court Judges with a less costly alternative to incarceration of juvenile offenders; and the pilot for this program had a 94% success rate and continues to be a valuable addition to the continuum of services available for the treatment of youth offenders.

The City Manager recommended that Council take the following actions:

Adopt a resolution accepting the \$52,714.00 in 2001-02 funding from the Department of Criminal Justice Services, Grant No. 02-C3256JJ01, for Sanctuary's Aggression Replacement Training and Education Program;

Authorize the City Manager to execute the required Grant Acceptance, Request for Funds and any other forms required by the Department of Criminal Justice Services, in order to accept funds and transfer \$7,554.00 from Account No. 001-630-5330-2010, State and Local Hospitalization; and \$10,018.00 from Account No. 001-121-2130-2008, Residential Detention Services, to an account to be established by the Director of Finance for the ARTEP Program; and

Appropriate \$70,286.00 in State and local funds to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35500-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35500-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35501-080601) A RESOLUTION authorizing the acceptance of funding from the Department of Criminal Justice Services for Sanctuary's Aggression Replacement Training and Education Program; authorizing the City Manager to execute the necessary documents in order to accept these funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35501-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the fiscal year 2001-02 Annual Operating budget adopted by Council, the Memberships and Affiliations budget included funding of \$541,440.00 specifically designated for the RVCVB; an additional \$287,500.00 was designated for marketing efforts and the availability of the \$287,500.00 equates to revenue increases expected from a corresponding increase in the transient room tax; the City has negotiated a one year agreement commencing July 1, 2001 with the RVCVB detailing the use of the funds; and the RVCVB submitted a detailed budget and work plan to the City Manager for review and approval.

The City Manager recommended that she be authorized to execute an Agreement, in the amount of \$828,940.00, with the Roanoke Valley Convention and Visitors' Bureau, upon form approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, and that Council authorize transfer of funding in the amount of \$287,500.00 from Account No. 001-300-7220-3689, Marketing, to Account No. 001-300-7220-3702, Convention Bureau.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35502-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35502-080601. The motion was seconded by Mr. Harris.

Matthew R. Kennell, President, Roanoke Valley Convention and Visitors Bureau, expressed appreciation for Council's support. He commended the City of Roanoke on its action to increase the transient occupancy tax and earmarking the additional funds, totalling more than one quarter of a million dollars, for marketing the Roanoke Valley. He requested that Council support the agreement with the Roanoke Valley Convention and Visitors Bureau.

The City Manager presented copy of a marketing plan which was developed by the Roanoke Valley Convention and Visitors Bureau.

Ordinance No. 35502-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Hudson offered the following resolution:

(#35503-080601) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35503-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-PUBLIC WORKS-STREETS AND ALLEYS: The City Manager submitted a communication advising that Adams Construction Company was awarded a contract, in the amount of \$1,969,602.91, on a unit price basis at the May 21, 2001 meeting of City Council to repave various streets within the City of Roanoke; a review of the Paving Program budget, Account No. 001-530-4120-2010, has shown that \$150,685.00 is available for additional street resurfacing; contract provisions allow the City to add streets to the contract, with unit prices and completion dates to be unchanged; and approval of the contract change order will enable the paving of five additional lane miles, bringing the paving program cumulative total to 57 lane

miles.

The City Manager recommended that she be authorized to execute Change Order No. 1, in the amount of \$150,685.00 with Adams Construction Company to repave additional streets within the City of Roanoke.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35504-080601) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 1 to the City's contract with Adams Construction Company to repave additional streets within City of Roanoke; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35504-080601. The motion was seconded by Mr. Carder.

Vice-Mayor Carder expressed concern with regard to disrepair of certain City streets as the result of utility cuts for underground utility lines, fiber optics etc. He advised that the streets are patched up with asphalt which, within a short period of time turns into potholes, and inquired if the responsible party can be required to make street repairs that are more durable.

The City Manager advised that there is a form of repair that is more durable and expensive and the City's Utility Lines Department is testing the procedure through a pilot project involving City utility cuts. She advised that a report will be submitted to Council in the near future.

Ordinance No. 35504-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-EROSION SEDIMENT CONTROL: The City Manager submitted a written communication advising that the General Assembly recently amended Section 10.1-563 of the Virginia Erosion and Sediment Control Law, Section 10.1-560, et seq; effective July 1, 2001, the amendment requires that all land disturbing projects which require approval of an Erosion and Sediment Control Plan and issuance of a

Land Disturbing Permit to name an individual who will be responsible for the land disturbing activities for the project; and the individual will be required to hold a Responsible Land Disturber (RLD) certificate.

It was further advised that the Virginia Department of Conservation and Recreation (DCR) has developed course material for individuals to become certified; individuals currently certified by the Department of Conservation as contractors, inspectors, plan reviewers, administrators or combined administrators will be considered a Responsible Land Disturber without further training; and persons holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect license will also be considered a Responsible Land Disturber without further training, certification or fees.

It was explained that for all land disturbing activities, the landowner will remain ultimately responsible for compliance with all erosion and sediment control regulations; the individual named as the Responsible Land Disturber will be responsible for, and in charge of, carrying out the land disturbing activities for the project; and persons and entities submitting erosion and sediment control plans for approval after July 1, 2001, will be required to identify on the plans submitted for approval the individual named as the Responsible Land Disturber, which information will also be shown on the Land Disturbing Permit.

The City Manager recommended that Council approve an amendment to the Erosion and Sediment Control ordinance which is consistent with the State Code and will enhance and clarify the City's existing Erosion and Sediment Control Ordinance.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35505-080601) AN ORDINANCE amending Section 11.1-6, Erosion and sediment control plan, of Chapter 11.1, Erosion and Sediment Control, of the Code of the City of Roanoke (1979), as amended, by adding new subsection (i) to require the identification of the person responsible for carrying out a land disturbing activity; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35505-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson

and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-INDUSTRIES-NEWSPAPERS: The City Manager submitted a communication advising that the City of Roanoke has been working with the Times-World Corporation (“Roanoke Times”) to undertake a \$31 million expansion project in downtown Roanoke, which would provide for the retention of existing jobs and advance economic and urban development; and on May 21, 2001, a public hearing was held to consider authorizing an assignable Option Agreement to convey two parcels of City-owned real estate (identified as Official Tax Nos. 1010402 and 1010403) to Roanoke Downtown Properties, LLC, or its assigns, as set forth in a communication from the City Manager under date of May 21, 2001.

It was further advised that the property, deemed critical to the project, would be transferred for consideration of \$100.00 and other good and valuable consideration; no comments were received at the public hearing and the Option Agreement now needs to be executed; the City will appropriate up to \$500,000.00 to the Industrial Development Authority of the City of Roanoke (IDA) which, in turn, will provide an economic development grant to the Roanoke Times, upon certain terms and conditions as more fully set forth in the Performance Agreement; the grant will be made after The Roanoke Times project has been completed and is operational, after which time, the Authority will provide grant funds in the following increments: \$250,000.00 in the first year; \$150,000.00 in the second year; and \$100,000.00 in the third year, in accordance with the Performance Agreement.

The City Manager recommended that Council take the following actions:

Approve the Option Agreement and subsequent conveyance of the real estate as described above to Roanoke Downtown Properties, LLC, or its assigns.

Authorize the City Manager to execute an Option Agreement and deeds or any documents as may be necessary to accomplish the transfer of real estate.

Approve the terms of the Performance Agreement between the City of Roanoke, the IDA and The Roanoke Times that will provide for a grant up to \$500,000.00.

Authorize the City Manager to execute a Performance Agreement among the City, The Roanoke Times, and the IDA, and execute such

other documents and take such further action as may be necessary to implement the Performance Agreement, with the form of such Agreement to be approved by the City Attorney.

Appropriate \$500,000.00 from undesignated capital funds to an account to be established by the Director of Finance in the capital projects fund.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35506-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35506-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following emergency ordinance:

(#35507-080601) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia (IDA), and The Times-World Corporation (Roanoke Times), that provides for The Roanoke Times to make an investment in the construction and development of certain property in the City; that the City will comply with the terms of a separate option contract to transfer two parcels of real property owned by the City in accordance with the terms of the Performance Agreement; that the City will make an appropriation of up to \$500,000.00 to the IDA, all for the purpose of promoting economic development in order to fund the grant that the IDA intends to make to The Roanoke Times; authorizing the City Manager to execute such other documents and take such further action as may be necessary to implement the Performance Agreement; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35507-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following ordinance:

(#35508-080601) AN ORDINANCE authorizing execution of an Option Agreement by which the City of Roanoke grants an option to Roanoke Downtown Properties, LLC, or its assigns, to purchase certain City-owned property known as Tax Parcels Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W., and, upon exercise of the option, the execution of an appropriate deed conveying the property; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35508-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

REAL ESTATE VALUATION-EQUIPMENT: The City Manager submitted a communication advising that the City's current appraisal software (CARAT) was purchased and installed in 1981; the system lacks many features and capabilities found in modern computer assisted mass appraisal (CAMA) systems; advances in technology offer the City the opportunity to employ advance state of the art appraisal software and computer hardware that increase Real Estate Valuation accuracy and efficiency; in addition, capture, storage and retrieval of real estate data critical to the successful deployment of the City's Geographical Information System will be enhanced with a new appraisal system; and five proposal responses were received and evaluated, with Manatron, Inc., ProVal System offering the best software solution for the City's real estate mass appraisal and assessment needs.

The City Manager recommended that she be authorized to enter into a contract with Manatron, Inc., to be approved as to form by the City Attorney, for the ProVal Computer Assisted Mass Appraisal System, in the amount of \$119,635.00, including software and training for the system; and funds are available from a prior year

CMERP appropriation in the Department of Technology Project Account No. 013-052-9838, "Real Estate Project".

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35509-080601) A RESOLUTION accepting the proposal of Manatron, Inc., and authorizing execution by the City Manager of a contract providing for the purchase of a ProVal Computer Assisted Mass Appraisal System for the Office of Real Estate Valuation, upon certain terms and conditions; and rejecting all other proposals made for such items.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35509-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CIVIC CENTER-EQUIPMENT: The City Manager submitted a written communication advising that the Occupational Health and Safety Administration (OSHA) representatives recently inspected the fall protection system in the Roanoke Civic Center Coliseum; some components of the fall protection system were found to be of uncertain capacity; at the time of inspection, an engineering consultant had already been retained to design a new fall protection system; and the City's consultant reviewed the OSHA findings and recommended that the existing fall protection system not be used.

It was further advised that until a new fall protection system can be installed, all rigging work has to be done from a portable man lift which is expensive and cumbersome to operate and has resulted in safety concerns and an unreasonable burden on continuing use of the Civic Center Coliseum; and after receiving notice of the situation on July 17, 2001, based on facts presented to the City Manager, the City Manager declared an emergency, pursuant to Section 41 of the City Charter, and authorized immediate procurement of a contractor to correct fall protection system problems in the facility.

It was explained that on an emergency basis, the City of Roanoke, through the

Engineering Department, agreed to and entered into a contract with Evan Corporation to correct the current system and/or furnish and install a new fall protection system in the Civic Center Coliseum, at a contract amount not to exceed \$140,000.00.

The City Manager recommended that Council affirm and ratify the above described action; that the City Manager be authorized to execute a contract with Evan Corporation for the abovereferenced work, in an amount not to exceed \$140,000.00 and that the City Manager be authorized to take such further action as may be necessary to correct fall protection system problems in the Civic Center Coliseum; and appropriate \$140,000.00 from Civic Center Prior Year Retained Earnings to a new project account entitled, Civic Center Fall Protection.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35510-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Civic Center Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35510-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following emergency ordinance:

(#35511-080601) AN ORDINANCE ratifying the emergency action taken by the City Manager in connection with emergency improvements to correct the fall protection system problems in the Roanoke Civic Center Coliseum; ratifying a contract between the City and Evan Corporation for such emergency work and authorizing the City Manager to execute such contract; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35511-080601. The motion

was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

CITY CLERK:

CITY CLERK-CITY EMPLOYEES: The City Clerk submitted a written report advising that at the regular meeting of Council on Monday, May 7, 2001, Council adopted Ordinance No. 35345-050701 authorizing and approving the establishment of a new position entitled Assistant Deputy City Clerk; Section 24 of the Roanoke City Charter requires the concurrence of Council in the appointment of a Deputy City Clerk and such number of assistants; whereupon, the City Clerk respectfully requested that Council concur in the appointment of Sheila N. Hartman as Assistant Deputy City Clerk, effective August 7, 2001.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35512-080601) A RESOLUTION confirming the appointment of Sheila N. Hartman as the Assistant Deputy City Clerk, effective August 7, 2001.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35512-080601. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS:

WORKERS COMPENSATION-CITY EMPLOYEES: Council at its meeting on Monday, July 16, 2001, having tabled a communication from the City Manager in

connection with performing Third Party Administrator functions by Landin, Inc., for Workers' Compensation for the City of Roanoke, in the amount of \$40,000.00 per annum, the matter was before the body.

Mr. Carder moved that the matter be removed from the table. The motion was seconded by Mr. Bestpitch and unanimously adopted.

The City Manager submitted a communication advising that all employees of the City of Roanoke are covered by Workers' Compensation as required by State law and the City of Roanoke is self-administered and self-insured for Workers' Compensation; currently, the City experiences approximately 400 new Workers' Compensation claims annually and continues to administer active claims from previous years; claims involve significant amounts of paperwork and can be handled more efficiently by a company that deals with Workers' Compensation issues exclusively; therefore, the Office of Risk Management initiated an evaluation process to determine the logic of employing a Workers' Compensation Third Party Administrator.

It was further advised that after submission of request for proposals, non-binding on the part of the City, four Third Party Administrators were interviewed, with Landin, Inc., being the clear choice of all persons serving on the panel; Landin, Inc., proposes to administer all Workers' Compensation claims for the City at a fee comparable to that of hiring a Workers' Compensation specialist to replace a City employee who recently retired; Landin, Inc., offers assurances that all of the City's injured employees will receive quality service to speed their recoveries; the use of a Third Party Administrator should enable the Office of Risk Management to spend more time administering general liability and automobile liability claims; and these classes of claims have the greatest potential financial impact to have their outcomes affected by extra time and effort devoted to their investigation and administration.

The City Manager recommended that she be authorized to enter into a one year contract, with an option to renew for two additional one year periods by mutual agreement with Landin, Inc., to perform Third Party Administrator functions for Workers' Compensation for the City of Roanoke, in an amount not to exceed \$40,000.00 per annum.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35513-080601) A RESOLUTION authorizing the acceptance of a bid and

execution of a contract with Landin, Inc., for the provision of services as a third party administrator for Workers' Compensation claims for the City, upon certain terms and conditions, and rejecting all other bids received.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35513-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----7.

NAYS: None-----0.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL: NONE.

PARKS AND RECREATION-DOWNTOWN ROANOKE, INCORPORATED: Vice-Mayor Carder suggested that the matter of outside dining in the Century Plaza area; i. e.: street side vendors/dining, be referred to the City Manager for report to Council.

REGIONAL IDENTITY: Vice-Mayor Carder addressed the need to establish the City of Roanoke/Roanoke Valley region in terms of identity; i. e.: what is the perception of the City of Roanoke/Roanoke Valley by non-Roanoke Valley citizens. He suggested that the services of a public relations firm be engaged to help establish city/regional identity, and requested that the matter be referred to the City Manager for report to Council.

The Mayor called attention to discussions with representatives of other municipalities in the Roanoke Valley Leadership Summit that might be interested in participating in the study.

REFUSE COLLECTION-COMPLAINTS: Council Member Hudson called attention to numerous telephone calls he has received from citizens complaining about curbside refuse collection, and spoke in support of returning to alley collection.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to speak and a time for Council to listen; and matters requiring referral to the City Manager will be referred immediately for appropriate response

COMPLAINTS-REFUSE COLLECTION: Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke against curbside refuse collection. She expressed concern regarding the policy of the City which requires physically challenged citizens who are unable to roll their containers to the curb to obtain a certificate from their physician. She requested that the City return to the pre July 1 policy for refuse collection.

At 4:45 p.m., the Mayor declared the meeting in recess for three Closed Sessions.

At 5:55 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris, who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-SPECIAL EVENTS COMMITTEE: The Mayor advised that there is a vacancy on the Special Events Committee created by the resignation of Catherine Fox, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of William X Parsons.

There being no further nominations, Mr. Parsons was appointed as a member of the Special Events Committee, for a term ending June 30, 2002, by the following vote:

FOR MR. PARSONS: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

There being no further business, the Mayor declared the meeting adjourned at 6:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
